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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,815	10/30/2003	Yoshio Ishii	Q77824	4197

7590 06/04/2004
Sughrue Mion, PLLC
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EXAMINER

LETSCHER, GERALDINE

ART UNIT PAPER NUMBER

1752

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

CF

Office Action Summary

Application No.

10/695,815

Applicant(s)

ISHII ET AL.

Examiner

Geraldine V Letscher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10-30-03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Bringley et al. (U.S. Patent No. 6,350,564), Bringley et al. (U.S. Patent No. 6,426,180) or Allway et al. (U.S. Patent No. 6,455,242) in view of any one of Ogawa et al. (U.S. Patent No. 4,686,175), Fukawa et al. (U.S. Patent No. 5,766,820) or Yamada et al. (U.S. Patent No. 5,851,753).

Each of Bringley et al. ('564), Bringley et al. ('180) and Allway et al. discloses a silver halide color photosensitive material comprising at least one light-sensitive silver halide emulsion layer and at least one non-light-sensitive layer, wherein at least one of the non-light-sensitive layers contains colloidal silver, and further wherein at least one layer contains a compound capable of enhancing the photographic speed of said material in comparison to the same material without the compound, characterized in that said speed enhancing compound is inclusive of the inst formula (B), i.e., a 1,3,4,6-tetraazaindene (see claims). The examples therein do not illustrate the use of said colloidal silver containing non-light-sensitive layer further comprising a compound capable of releasing a development inhibitor or a precursor thereof by a coupling reaction with an oxidized developing agent.

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The concept and associated photographic advantages of incorporating a compound capable of releasing a development inhibitor or a precursor thereof by a coupling reaction with an oxidized developing agent, into a colloidal silver containing non-light-sensitive layer is well known in the photographic art, as illustrated in the claims of each of Ogawa et al., Fukawa et al. or Yamada et al.

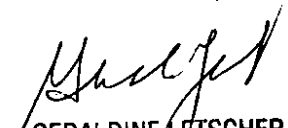
It would have been obvious to one of ordinary skill in the requisite art at the time the invention was made to incorporate a compound capable of releasing a development inhibitor or a precursor thereof by a coupling reaction with an oxidized developing agent, into the colloidal silver containing non-light-sensitive layer of any one of Bringley et al. ('564), Bringley et al. ('180) or Allway et al., with reasonable expectations of achieving, absent object evidence to the contrary, the advantages taught therein, as well as those associated with the use of the development inhibitor in the non-light-sensitive layer.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geraldine V Letscher whose telephone number is (571) 272-1334. The examiner can normally be reached 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on (571) 272-1385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GERALDINE LETSCHER
PRIMARY EXAMINER
GROUP 1100

5-25-04